

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS DECLARING ITS INTENTION TO ANNEX REAL PROPERTIES WITHIN TRACT NO. 10305 (THE EDGE) INTO THE COMMUNITY FACILITIES DISTRICT NO. 2008-1, ANNEXATION NO. 9, AND TO LEVY AND COLLECT SPECIAL TAX FOR PUBLIC SERVICES, AND TO SET TIME AND PLACE FOR PUBLIC HEARING

WHEREAS, on January 6, 2009, the City Council adopted Resolution 7815 enabling the establishment of City of Milpitas Community Facilities District No. 2008-1 (the “CFD 2008”) for public services. The boundary map of the initial CFD 2008 is on file in the office of the City Clerk; and

WHEREAS, on January 15, 2009, the Notice of Special Tax Lien for the City of Milpitas CFD 2008 Formation (the “Notice of Special Tax Lien” attached hereto as **Exhibit 1**) was recorded as document no. 20102888 with the County of Santa Clara Recorder’s Office, to levy special tax for real properties within the initial CFD 2008; and

WHEREAS, Exhibit A of the Notice of Special Tax Lien provides descriptions of public services and Exhibit B of the Notice of Special Tax Lien provides descriptions of rate, method of apportionment and manner of collection of special tax; and

WHEREAS, pursuant to California Government Code Section 53339, territory may be annexed to an existing CFD if the City Council determines that public convenience and necessity require that territory be added to the existing CFD; and

WHEREAS, eight territories have been annexed to the CFD 2008; and

WHEREAS, on June 17, 2014, the City Council conditionally approved a Vesting Tentative Map for a 381-unit residential development project at 765 Montague Expressway, located within the Transit Area Specific Plan (TASP), by SCS Development Company, a California Corporation (the “Developer”). Project condition no. 59 requires that the Developer consent to annex its properties into CFD 2008 and pay the special taxes levied by CFD 2008 for public services (the “Annexation No. 9”) with boundary shown on **Exhibit 2**; and

WHEREAS, the public services provided for the proposed Annexation No. 8 are the same as those for the initial CFD 2008, as well as for the previous eight annexations. The rate, method of apportionment and manner of collection of special tax for the proposed Annexation No. 9 are the same as those for the initial CFD 2008, as well as for the previous eight annexations; and

WHEREAS, there is no alteration in the special tax rate to be levied within the initial CFD 2008 or within the eight previously annexed territories as a result of the proposed Annexation No. 9. The maximum tax rate in the initial CFD 2008 and in the eight previously annexed territories will not be increased as a result of the proposed Annexation No. 9.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Milpitas that:

1. The City Council hereby declares its intention to annex the real properties within Tract No. 10305 into the CFD 2008, and to levy and collect special tax for public services.
2. The City Council hereby fixes 7:00 p.m., or as soon thereafter as practicable, on September 6, 2016, at the regular meeting place of the City Council, City Hall Council Chambers, 455 East Calaveras Boulevard, Milpitas, California, as the time and place for a public hearing on item 1 above.

3. The City Council hereby directs the City Clerk to publish a notice of public hearing, in substantially the form attached hereto as **Exhibit 3**, once not later than seven days prior to the date fixed for the hearing, in *The Milpitas Post*, a newspaper of general circulation published in the City of Milpitas.

PASSED AND ADOPTED this _____ day of _____ 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Jose S. Esteves, Mayor

APPROVED AS TO FORM:

Christopher J. Diaz, City Attorney